In the Supreme Court of the United States

OCTOBER TERM, 1970

No. 1111

SAMUEL MANARITE, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES

After a jury trial in the United States District Court for the Southern District of New York, petitioner was convicted of using extortion to collect and attempt to collect an extension of credit in violation of 18 U.S.C. (Supp. V) 894(a). The court of appeals affirmed *per curiam* (Pet. App.) relying on its prior decisions sustaining the statute against constitutional challenge. See *United States* v. *Perez,* 426 F. 2d 1073, certiorari granted, November 16, 1970, No. 600, this Term.

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The precise issues here presented are before the Court in *Perez*. Accordingly, it would seem appropriate to delay disposition of the instant petition until after *Perez* is decided.[1]

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

JANUARY 1971.

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[1] Petitioner urges that this petition be granted and set down for argument with *Perez* on the ground that it involves an aspect not presented by *Perez* as to the sufficiency of the Congressional findings that loansharking affects interstate commerce. This issue is, however, encompassed within the grant of certiorari in *Perez*.

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